

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

REBECCA REAM and JUSTIN
REAM, as co-guardians for CHRIS
BINGHAM,

Plaintiffs,

vs.

BRITTANY MARKER, RN, in her
individual capacity,

Defendant.

8:21-CV-288

ORDER

This matter is before the Court on the Magistrate Judge's findings and recommendation ([filing 36](#)) recommending that the Court dismiss this case without prejudice for failing to comply with discovery orders. Involuntary dismissal for failing to follow discovery rules, comply with the Court's orders, or failure to prosecute is within the Court's discretion. [Fed. R. Civ. P. 37\(b\)\(2\)\(A\)\(v\)](#); [Fed. R. Civ. P. 41\(b\)](#); see *Keefer v. Provident Life & Acc. Ins. Co.*, 238 F.3d 937, 940 (8th Cir. 2000); *Schooley v. Kennedy*, 712 F.2d 372, 373-74 (8th Cir. 1983). And there has been no objection to the findings and recommendation, meaning that the plaintiffs have waived their right to *de novo* review. See [28 U.S.C. § 636\(b\)\(1\)](#); [NECivR 72.2](#); *United States v. Wise*, 588 F.3d 531, 537 n.5 (8th Cir. 2009). Accordingly,

IT IS ORDERED:

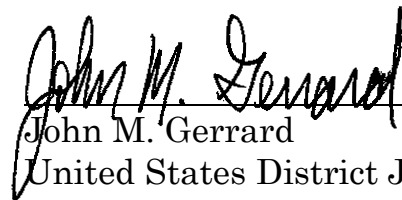
1. The Magistrate Judge's findings and recommendation ([filing 36](#)) are adopted.

2. This case is dismissed without prejudice.

3. A separate judgment will be entered.

Dated this 20th day of January, 2023.

BY THE COURT:



John M. Gerrard
United States District Judge